UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/53/88
17 March 1998
ENGLISH
ORIGINAL: SPANISH

Fifty-third session
Item 151 of the preliminary list*

UNITED NATIONS DECADE OF INTERNATIONAL LAW

Letter dated 10 March 1998 from the Permanent Representative of Peru to the United Nations addressed to the Secretary-General

I have the honour to transmit to you a copy of the following documents:

The Declaration signed in Brasilia on 26 November 1997 by the Republic of Peru and the Republic of Ecuador and the Guarantor Countries of the 1942 Peruvian-Ecuadorian Protocol of Peace, Friendship and Boundaries of Rio de Janeiro (annex I);

The timetable for implementing the provisions of the Brasilia Declaration (annex II).

With regard to these documents, the Government of Peru wishes to inform you that, within the process of the substantive talks that are currently in progress, the two instruments are the only ones that have been signed to date and are, therefore, binding on both countries. I should be very grateful if you would have this letter and its annexes circulated as a document of the General Assembly under agenda item 151 of the preliminary list.

(Signed) Fernando GUILLÉN
Ambassador
Permanent Representative of
Peru to the United Nations

* A/53/50.

ANNEX 1

Declaration signed in Brasilia on 26 November 1997 by Peru and Ecuador and the Guarantor Countries of the 1942 Peruvian-Ecuadorian Protocol of Peace, Friendship and Boundaries of Rio de Janeiro

On Monday, 24 November, the second phase of the substantive talks between Ecuador and Peru conducted within the framework of the Santiago Agreement of 29 October 1996 began in Brasilia, the Federative Republic of Brazil.

On this occasion, the national delegations of Ecuador and Peru, the high representatives of the Guarantor Countries and the members of the Follow-up Commission appointed by the latter countries in order to collaborate in these talks were present.

Earlier, the Parties had received from the Minister for Foreign Affairs of Brazil a document containing suggestions by the Guarantor Countries on principal points which might be used as elements to serve as a basis for discussion or to facilitate progress in this important process.

The Parties thanked the Guarantor Countries for their efforts, expressed satisfaction with that collaboration and made observations with regard to form and substance, clarifying their points of view. It was agreed that Ecuador and Peru would consider in good faith the following matters in accordance with the 1942 Protocol of Peace, Friendship and Boundaries of Rio de Janeiro and its additional instruments and on the basis of the 1995 Itamaraty Declaration of Peace:

(a) Consideration of a treaty on trade and navigation under the terms provided for in article 6 of the Rio de Janeiro Protocol;

(b) Consideration of a broad agreement on border integration;

(c) Establishment on the ground of the common land border;

(d) Establishment of a binational commission on measures for mutual trust and security.

At the same time, it was agreed that the Parties and the Follow-up Commission would draw up a timetable designed to promote the implementation of these proposals. The timetable will be finalized by the Parties and the Follow-up Commission.

The Parties and the high representatives of the Guarantor Countries expressed their satisfaction with the cordiality, elevated atmosphere and mutual respect with which these contacts took place and reiterated their readiness to continue to strive to make further progress in achieving the lofty objectives of

peace, friendship and understanding between Ecuador and Peru, to which they are committed, with the resulting benefits for the inter-American community.

(Signed) Edgar TERÁN TERÁN
(Ecuador)

(Signed) Fernando de TRAZEGNIES
(Peru)

(Signed) Luigi EINAUDI
(United States of America)

(Signed) Ivan CANNABRAVA
(Brazil)

(Signed) Juan MARTABIT
(Chile)

(Signed) Victor E. BEAUGE
(Argentina)

ANNEX 2

Timetable

1. Treaty on trade and navigation

The Parties shall set up an Ecuadorian-Peruvian commission which shall draw up a draft treaty on trade and navigation and whose members shall be appointed before 2 February 1998. The Parties shall exchange the lists of appointees and inform the Guarantor Countries.

On 2 February 1998, the Parties shall exchange preliminary draft agreements or, if they prefer, the basic points which, in the view of each of them, the treaty should contain, taking into consideration point 1 (a) of the document entitled "Bases for an understanding between the Parties", submitted by the Guarantors on 25 November 1997.

On 17 February 1998, the commission shall begin its work in Buenos Aires. The Guarantor Countries shall be present and shall assist the commission.

The commission shall also consider aspects linked to navigation in the sectors with sections of rivers and the Napo river, which shall be the subject of a specific agreement.

2. Border integration

The Parties shall set up a commission to draw up a draft broad agreement on border integration no later than 2 February 1998. The commission shall begin its work no later than 17 February 1998 in Washington.

The Parties shall keep the Guarantor Countries informed with regard to the progress made in this work.

This commission will also consider ways to manage river basins, including the Zarumilla basin.

3. Establishing on the ground the common land border

The Parties shall set up, no later than 2 February 1998, an Ecuadorian-Peruvian commission entrusted with the task of completing the establishment on the ground of the common land border in the Lagartococha sector and the Zamora-Santiago and/or the Cordillera del Cóndor sector. The committee shall begin its work on 17 February 1998 in Brasilia.

Two legal-technical groups, each consisting of five members, shall be set up in order to assist the Commission. The Parties shall appoint one member of each group and the Guarantor Countries shall propose the remaining three members of each group to the Parties. Once the list of members proposed by the Guarantors to the Parties has been accepted, the two groups shall be established.

The commission shall, on the basis of the presentations made during the first phase, identify the disagreements which are to be the subject of consideration and findings by the two legal-technical groups. Those disagreements which are indicated in the presentations made during the first phase but have not been submitted to the legal-technical groups shall be formally resolved and settled when the Parties reach an overall and definitive agreement.

The two groups shall submit to the commission their views, relating to technical matters and in accordance with the law, on the disagreements which have been submitted for consideration and on the ways to establish on the ground the common border, pursuant to article VIII of the Rio de Janeiro Protocol and its additional instruments, which shall be evaluated from the legal point of view by the respective groups.

The commission shall submit a proposal on a solution to the Parties. Once the proposal has been accepted, the commission shall, with the assistance of the legal-technical groups and within a period of 15 working days, complete the desk work necessary in order to indicate on a map the plan set forth in the proposal with the respective geographic coordinates, identifying the sites where border markers are to be erected once the overall and definitive agreement has been formally reached. In the meantime, neither the preparatory desk work, nor the views of the legal-technical groups, nor the proposal of the Commission shall be binding on the Parties.

The border markers shall be erected and formally established by a binational team as soon as the aforementioned overall agreement has been signed, taking into account the fact that no provision of the agreement shall enter into force until the last border marker has been put in place and formally established.

If any disagreement arises, the Guarantor Countries shall propose, in accordance with the fourth section of the Santiago Agreement, procedures to resolve any dispute regarding the work of establishing on the ground the common border, to which reference is made in the foregoing paragraphs.

4. Measures for mutual trust and security

The Parties shall appoint, by 2 February 1998 at the latest, an Ecuadorian-Peruvian commission entrusted with the task of studying the establishment and functioning of a binational commission on measures for mutual trust and security. The commission shall begin its work on 17 February 1998 in Santiago.

The Parties shall keep the Guarantor Countries informed with regard to the progress made in this work.

5. Follow-up

The Ministers for Foreign Affairs of Ecuador and Peru shall evaluate the implementation of the process described in this document and shall maintain ongoing direct contact. To this end, the national delegations shall meet as often as is deemed necessary, with the Guarantor countries in attendance.

6. Deadlines and procedures for adoption

Work on each of the questions referred to shall be carried out simultaneously. The agreements reached shall enter into force together with the completion of the demarcation process. The Parties shall undertake to join efforts to ensure the completion of this process by 30 May 1998 at the latest.

7. Other matters

Zarumilla channel

The Parties shall, by 2 February 1998 at the latest, establish a working group responsible for drawing up a set of measures to ensure the effective operation of the Zarumilla channel and the use of its waters in accordance with the Aranha formula.

8. Moratorium

The Parties agree to maintain confidentiality with respect to the carrying out of the work referred to in this timetable.

DONE at Itamaraty Palace, Rio de Janeiro, on 19 January 1998.

For the Republic of Ecuador:

[Signed] Edgar TERÁN TERÁN

For the Republic of Peru:

[Signed] Fernando de TRAZEGNIES

For the Guarantor Countries:

Argentine Republic:

[Signed] Alfredo CHIARADIA

Federative Republic of Brazil:

[Signed] Iván CANNABRAVA

Republic of Chile:

[Signed] Juan MARTABIT

United States of America:

[Signed] Luigi EINAUDI